

SENATE BILL 3208

By Haun

AN ACT to repeal the One-Half Cent ($\frac{1}{2}\text{¢}$) sales tax increase enacted as part of the 1992 Education Improvement Act in the event that the education accountability system provided for in that Act is reduced or not implemented.

WHEREAS, the Education Improvement Act of 1992 provided for a one-half cent ($\frac{1}{2}\text{¢}$) increase in the sales tax rate for Tennessee to provide funds for education; and

WHEREAS, to ensure to the citizens of Tennessee good value for the taxes allotted to this program, a rigorous accountability system for Tennessee public schools was enacted; and

WHEREAS, the cornerstone of that accountability system is systematic testing of all students in all major subjects annually and the analysis of the results of that testing through the "Sanders model" as defined by Tennessee Code Annotated §49-1-604; and

WHEREAS, the "Sanders model" has been subjected, at great expense to the state of Tennessee, to extensive review by nationally respected experts and found to be useful for its intended purposes; and

WHEREAS, school systems across Tennessee have found the value-added information produced by the "Sanders model" to be useful in identifying and improving areas of low student achievement to the extent that Tennessee schools overall have shown steady improvement in the past five years; and

WHEREAS, as a result of this steady improvement, Tennessee is one of the very few states to have shown progress on the National Assessment of Educational Progress; and

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WHEREAS, leading educators and administrators from across the State of Tennessee have identified the value-added analysis produced by the “Sanders model” as the most valuable information for improving the educational results of Tennessee schools ever made available to them; and

WHEREAS, the implementation of the accountability system imposed by the Education Improvement Act has been slowed and in some cases reversed during the last year; and

WHEREAS, specifically the value-added of the “Sanders model” has become inapplicable to third grades across the state because of the removal of second grade testing, thereby reducing such data in the elementary and middle school grades by seventeen percent (17%); and

WHEREAS, development of a number of almost-completed high school subject matter tests as required by Tennessee Code Annotated §49-1-608 has been cancelled, thereby wasting the funds invested in developing those tests; and

WHEREAS, some have proposed the complete elimination of all high school subject matter tests in favor of multi-subject, multi-grade tests which would not provide information on the performance of specific teachers, but would allow students and schools to be branded as failures without providing the information and opportunity to avoid such public degradation; and

WHEREAS, stale, redundant test questions have been used on Tennessee TCAP tests in the spring of 1997, and the planned test for Tennessee students this spring has not been shown to be equivalent to prior tests, all of which is contrary to Tennessee Code Annotated §49-1-610, thereby threatening a complete break in all useful data for the accountability system which was enacted to justify imposition of a one-half cent ($\frac{1}{2}\%$) sales tax increase; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. In the event the requirements of Tennessee Code Annotated §49-1-604 defining the "Sanders model" or the provisions of §§49-1-603 through 49-1-606 and 49-1-610 for the implementation of that model are altered in any form, or it should be determined by any circuit or chancery court of the state of Tennessee that such requirements have not been implemented as required by statute, or if high school subject matter tests as required by §49-1-608 are not administered in at least five (5) subjects in the spring of 1998, ten (10) subjects in the spring of 1999, and fifteen (15) subjects in the spring of 2000, then the sales tax rate of the state of Tennessee shall be immediately reduced by one-half cent ($\frac{1}{2}\text{¢}$).

SECTION 2. Any citizen of the state of Tennessee may bring suit in any circuit or chancery court of Tennessee to determine whether any of the events defined in this statute as triggering the reduction of the sales tax rate have come to pass, and any lawsuit raising issues about such events pending at the time of enactment of this statute may be amended to allege the required reduction of the sales tax rate.

SECTION 3. In the event of a successful suit by any citizen(s) of the state of Tennessee under the provisions of this statute, the state of Tennessee shall pay appropriate attorneys fees, at then current rates charged by attorneys in the city of the suit for similar litigation, plus all reasonable expenses, to the attorney or attorneys representing such citizen(s).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.